



109432

FILE COPY

[mailed to multiple addresses March 2004]

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

[Name and address]

Re: Request for Information Pursuant to Section 104 of CERCLA
for Cornell-Dubilier Electronics, Inc. Site in Middlesex
County, New Jersey.

Dear Sir/Madam:

This letter seeks the cooperation of [name] (the "Company") in providing information and documents relating to the contamination of the Cornell-Dubilier Electronics, Inc. Superfund ("Site") in Middlesex County, New Jersey, pursuant to Section 104(e) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. § 9604(e). The Site is located at 333 Hamilton Boulevard in South Plainfield, New Jersey. A Superfund site is a site contaminated with hazardous substances that may present a threat to human health or the environment.

We encourage you to give this matter your immediate attention and request that the Company provide a complete and truthful response to the enclosed Request for Information within 30 days of your receipt of this letter.

The United States Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under CERCLA, also known as the federal "Superfund" law. EPA has documented the release of hazardous substances at the Site, and is currently investigating the nature and extent of the contamination. In addition, EPA is seeking to obtain information concerning the

701801

generation, storage, treatment, transportation, and disposal methods of the hazardous substances that have been released or threaten to be released at the Site. EPA believes that the Company may have information that would assist the Agency in its investigation of the Site.

SITE DESCRIPTION

The Site is located on Hamilton Boulevard, south of the Conrail railroad tracks, in South Plainfield, Middlesex County, New Jersey. Cornell-Dubilier Electronics, Inc. ("CDEI") operated at the Site from 1936 to approximately 1962, manufacturing electronic components, including capacitors. It is alleged that during CDEI's period of operation, CDEI disposed of waste materials contaminated with polychlorinated biphenyls ("PCBs") and other hazardous substances directly onto Site soils. The former CDEI facility is now known as the Hamilton Industrial Park, and has been occupied by various tenants from the 1960's to the present. EPA has information that the Company was a tenant at the facility in the [insert relevant time period].

Environmental sampling conducted by the New Jersey Department of Environmental Protection ("NJDEP") and the EPA has confirmed the presence of elevated levels of hazardous substances, including volatile organic compounds ("VOCs"), semi-volatile organic compounds, PCBs and inorganic constituents in the Site soils. In addition, PCBs have been detected in the sediments of the unnamed tributary of the Bound Brook, which traverses the southeastern portion of the Site property. As a result, the Site was listed on the National Priorities List ("NPL") in July 1998.

The Site is divided into three "operable units". Operable Unit 1 consists of PCB-contaminated residential, commercial and municipal properties located in the vicinity of the former CDEI facility. Operable Unit 2 consists of contaminated soils and buildings at the location of the former CDEI facility. Operable Unit 3 will address the contaminated groundwater and sediments of the nearby water body, the Bound Brook.

REQUEST FOR INFORMATION

Under Section 104(e) of CERCLA, 42 U.S.C. § 104(e), EPA has broad information-gathering authority which allows EPA to require persons to provide information or documents relating to the materials generated, treated, stored or disposed of at or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant or

contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup.

While EPA seeks the Company's cooperation in this investigation, compliance with the Request for Information is required by law. When the Company has prepared its response to the Request for Information, please sign and have notarized the enclosed "Certification of Answers to Request for Information," and return that Certification to EPA along with the response. Please note that false, fictitious or fraudulent statements or representations may subject the Company to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. § 9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

Some of the information EPA is requesting may be considered by the Company to be confidential business information. Please be aware that the Company may not withhold the information on that basis. If the Company wishes EPA to treat all or part of the information confidentially, it must advise EPA of that fact by following the procedures described in the Instructions included in the attached Request for Information, including the requirement of supporting its claim of confidentiality.

If the Company has information about other parties who may have information that may assist EPA in its investigation of the Site or who may be responsible for the contamination at the Site, that information should be submitted to EPA within the time frame noted above.

Please note that if after submitting its response the Company obtains additional or different information concerning the matters addressed by our information request, it is necessary that the Company promptly notify EPA.

This Request for Information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Sections 3501-3520.

Instructions on how to answer the questions in this letter can be found in the enclosed attachments.

The response to this Information Request should be mailed to:

Mr. Peter Mannino
Emergency and Remedial Response Division
U.S. Environmental Protection Agency, Region II
290 Broadway, 19th Floor

New York, New York 10007

A copy of the response should also be sent to:

Sarah Flanagan, Assistant Regional Counsel
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th floor
New York, New York 10007

If you have questions about the history of the Site, the nature of the environmental conditions at the Site, or the status of cleanup activities, please contact Mr. Peter Mannino at (212) 637-4395. Calls of a legal nature or requests from attorneys should be placed to Sarah Flanagan (212) 637-3136.

We appreciate and look forward to your prompt response to this Request for Information.

Sincerely yours,

Raymond Basso, Strategic Integration Coordinator
Emergency and Remedial Response Division

Attachments

INSTRUCTIONS FOR RESPONDING TO REQUEST FOR INFORMATION

A. Directions

1. A complete and separate response should be given for each question.
2. Identify each answer with the number of the question to which it is addressed.
3. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the question to which it responds.
4. In preparing your response to each question, consult with all present and former employees and agents of your Company whom you have reason to believe may be familiar with the matter to which the question pertains. Provide responses to the best of the Company's ability. Submission of cursory responses when other responsive information is available to the Company will be considered non-compliance with this Request for Information.
5. In answering each question, identify each individual and any other source of information (including documents) that was consulted in the preparation of the response to the question.
6. If you are unable to give a detailed and complete answer, or to provide any of the information or documents requested, indicate the reason for your inability to do so.
7. If you have reason to believe that an individual other than one employed by your Company may be able to provide additional details or documentation in response to any question, state that person's name, last known address, phone number, and the reasons for your belief.
8. If a document is requested but not available, state the reason for its unavailability. To the best of your ability, identify the document by author, date, subject matter, number of pages, and all recipients of the document with their addresses.
9. If anything is omitted from a document produced in response to this Request for Information, state the reason for, and the subject matter of, the omission.

10. If you cannot provide a precise answer to a question, please approximate but, in any such instance, state the reason for your inability to be more specific.
11. Confidential Information. The information requested herein must be provided even though you may contend that it includes confidential business information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 104(e)(7)(E) and (F) of CERCLA, 42 U.S.C. §9604(e)(7)(E) and (F), Section 3007(b) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(b), and 40 C.F.R. Section 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim to be confidential, you must separately address the following points:

- a. the portions of the information which are alleged to be entitled to confidential treatment;
- b. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- c. measures taken by you to guard against the undesired disclosure of the information to others;
- d. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- e. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- f. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, "confidential" on all confidential responses and any related confidential documents. Confidential portions of otherwise

non-confidential documents should be clearly identified. Please submit your response so that all non-confidential information, including any redacted versions of documents, are in one envelope and all materials for which you desire confidential treatment are in another envelope.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. Information covered by such claims will be disclosed by EPA only to the extent permitted by Section 104(e) of CERCLA, 42 U.S.C. § 9604(e), and 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

12. Personal Privacy Information. Personnel and medical files, and similar files the disclosure of which to the general public may constitute an invasion of privacy should be segregated from your responses, included on separate sheet(s), and marked as "Personal Privacy Information".
13. If you have objections to some or all the questions within the Information Request letter, you are still required to respond to each of the questions.
14. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests pursuant to CERCLA Section 104(e) that you supplement your response to EPA.

Definitions

The following definitions shall apply to the terms as they appear in this Information Request.

1. The terms "you," "your," "the Company" or "your Company" shall mean [insert name] and its predecessors, successors, subsidiaries, divisions, branches, officers, managers, employees, contractors, trustees, partners, assigns or agents.

2. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
3. The term "Site" shall refer to the approximately 25-acre parcel of property currently known as Hamilton Industrial Park located 333 Hamilton Boulevard, South Plainfield, Middlesex County, New Jersey, as well as certain residential, commercial and municipal properties located in the vicinity of the former CDEI facility contaminated with PCBs, and the contaminated groundwater and sediments of the Bound Brook.
4. The term "hazardous substance" shall have the meaning set forth in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14). The substances that have been designated as hazardous substances pursuant to Section 102(a) of CERCLA (which, in turn, comprise a portion of the substances that fall within the definition of "hazardous substance" under Section 101(14) of CERCLA), are set forth at 40 C.F.R. Part 302.
5. The term "industrial waste material" shall mean any solid, liquid or sludge or any mixtures thereof which possess any of the following characteristics:
 - a. it contains one or more "hazardous substances" (at any concentration) as defined in 42 U.S.C. § 9601(14);
 - b. it is a "hazardous waste" as defined in 42 U.S.C. § 6904;
 - c. it has a hydrogen ion concentration (pH) of less than 2.0 or greater than 12.5;
 - d. it reacts violently when mixed with water;
 - e. it generates toxic gases when mixed with water;
 - f. it easily ignites or explodes;
 - g. it is an industrial waste product;
 - h. it is an industrial treatment plant sludge or supernatant;
 - i. it is coolant water or blowdown waste from a coolant system;

- j. it is spent product which could be reused after rehabilitation; or
 - k. it is any material which you have reason to believe would be toxic if ingested, inhaled or placed in contact with your skin.
6. The terms "disposal", "hazardous waste", and "storage" shall have the meaning set forth in Sections 1004(3), (5), and (33) of RCRA, 42 U.S.C. §§ 6903(3), (5), and (33), respectively.
7. The term "document" and "documents" shall include, but not be limited to, the following: papers, books, records, letters, photographs, correspondence, communications, telegrams, cables, Telex message, memoranda, laboratory work papers, batch sheets, other work papers, ledger sheets, transcripts, minutes, reports and recordings of telephone or other conversations, or of interviews or of conferences, or of other meetings, affidavits, statements, summaries, opinions, reports, studies, drafts, analyses, bulletins, notices, announcements, advertisements, instructions, charts, manuals, brochures, publications, schedules, journals, statistical records, diaries, lists, logs, well logs, field logs, tabulations, sound recordings, computer printouts, computer-readable materials, chromatograms, spectrographs, mass spectra or spectrograms, data generated from any physico-chemical methods of analyses, data processing input and invoices, checks, notes, diagrams, maps, graphs, or materials with handwriting or other printing on them and other tangible material. "Document" shall also include any data compilation from which information can be obtained or translated if necessary by you through detection devices into reasonably usable form.
8. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
9. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
10. The term "release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of

barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant).

11. The term "pollutant or contaminant" shall include, but not be limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformations; except that the term "pollutant or contaminant" shall not include petroleum.
12. The term "identify" means, with respect to a natural person, to set forth the person's name, present or last known employer and business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, occupation, position or business.
13. The term "identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to provide its full name, address, and affiliation with the individual and/or company to whom/with this request is addressed.
14. The term "identify" means, with respect to a document, to provide its customary business description, its date, its number if any (invoice or purchase order number), the identity of the author, addressor, addressee and/or recipient, and the substance or the subject matter. Your Company can provide a copy of any document in lieu of so describing it.
15. The terms "and" as well as "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of these questions information that might otherwise be construed to be outside of their scope.
16. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in CERCLA or RCRA, in which case the statutory definitions shall apply.

Request For Information

1.
 - a. State the legal name and mailing address of the Company.
 - b. State the name(s) and address(es) of the current (or most recent) President, Chairman of the Board and Chief Executive Officer (or other presiding officer) of the Company.
 - c. State the legal form of business of the Company (e.g., corporation, partnership, etc.). If the Company is a corporation, identify the state and date of incorporation and the agent for service of process in the state of incorporation and in New Jersey.
 - d. If the Company is a subsidiary or affiliate of another corporation, or has subsidiaries, identify each such entity and its relationship to the Company, and state the name(s) and address(es) of each such entity's President, Chairman of the Board and Chief Executive Officer. Identify the state and date of incorporation and the agent for service of process in the state of incorporation and in New Jersey for each entity identified in the response to this question.
2. If you are identifying a business entity that no longer exists, provide all the information called for in Question 1, except for the agent for service of process. If a business entity conducted business under more than one name, provide each name.
3. If the Company, or any of the business entities identified in Question 1 above, has or had an EPA Identification Number, provide all such numbers and the name of the entity with which they are associated.
4. If the Company has at any time leased, maintained, occupied or used any real property at the Site, provide all documentation evidencing such relationship, including deeds, leases, or other such documents that relate to the Site or any portion thereof. Include the numbers and locations of building(s) or areas leased, maintained, occupied or used and the dates of occupation or use by the Company.
5. If the Company had a permit or permits issued pursuant to RCRA during the time it leased, maintained, occupied or

used any building or area of the Site, describe when the permit was obtained and what activities were allowed by the permit, and provide a copy of the permit application and the permit.

6. Describe the operations or activities at each building or area of the Site of each business entity identified in Question 1 above. Your description should include, but not be limited to, all manufacturing, research and development, processing and/or handling activities. For each type of operation described in the answer to this Question, provide the name(s), and job description(s) of the person or persons responsible for the management of that particular operation or activity. If such person(s) are no longer employed by the Company, provide their last known address(es).
7. Provide a detailed list of chemicals, including hazardous substances, hazardous wastes and industrial waste materials used, stored, generated or handled by the Company at the Site, and describe the use of each of the chemicals identified. Estimate quantities used on an annual basis and provide the sources of these chemicals at that time. Attach any documents used to prepare the list.
8. Provide the analytical results of any analysis the Company performed, or caused to be performed, of hazardous substances, hazardous wastes or industrial waste materials identified in response to Question 7, or any hazardous substances, hazardous wastes and industrial waste materials used, stored, generated or handled at the Site by any person(s) other than the Company.
9. Describe all storage and disposal practices employed by the Company with respect to all hazardous substances, hazardous wastes and/or industrial waste material handled at the Site in any way during the time the Company leased, maintained, occupied or used any real property at the Site. Include all on-site and off-site storage and disposal activities.
10. Provide a copy of each document that relates to the generation, purchase, use, handling, hauling, and/or disposal of all hazardous substances, hazardous wastes and/or industrial waste material identified in response to Questions 6, 7, 8 and 9 above. If you are unable to provide a copy of any document, then identify the document by describing the nature of the document (e.g., letter, file, memo, invoice, inventory form, billing record,

hazardous waste manifest, etc.), describe the relevant information contained therein, identify by name and job title the person who prepared the document, and explain where the document is stored and why it is not available.

11. Identify each person having knowledge of the facts relating to the generation, storage, treatment or disposal of hazardous substances, hazardous wastes or industrial waste materials identified in response to Questions 6, 7, 8 and 9 above. For each person identified, provide the name, address and telephone number of that person and the basis of your belief that he or she has such knowledge.
12. Provide a copy of any contract, permit or other written agreement entered into by the Company relating to the generation, handling, transport and/or disposal of all hazardous substances, hazardous wastes and/or industrial waste material at the Site. If the documents are not available, refer to Question 10 above, for the specific information required.
13. Did any leaks and/or spills of any hazardous substances, hazardous wastes and/or industrial waste material occur at the Site? If so, provide the date(s), response action(s) taken and the ultimate disposal of the hazardous substance, hazardous waste and/or industrial waste material resulting from those leaks and/or spills.
14. Describe any activities by the Company that resulted in the excavation, disturbance or redistribution of soils at the Site.
15. Indicate whether the Company used lagoons, impoundments and/or storage tanks to store, treat and/or dispose of hazardous materials, hazardous waste or industrial waste materials. If so, provide the following information:
 - a. The installation date of said unit(s);
 - b. The use of said unit(s);
 - c. Whether hazardous substances, hazardous wastes and/or industrial waste material were stored/disposed in said unit(s), and
 - d. The closure or other final disposition of said unit(s).
16. Describe activities and conditions at the Site during the time that the Company leased, maintained occupied or used a building or area of the Site, including in the building or area occupied by the Company and any other building or

area, and indicate what entity or entities undertook these activities. Provide any Site maps that are in the Company's possession, custody or control showing the location of these activities and any other documents describing the buildings or areas where these activities took place.

17. State whether any agreements or contracts (other than insurance policies) exist pursuant to which the Company or its past or present shareholders may be indemnified for any liability that the Company may be found to have under CERCLA for releases and threatened releases of hazardous substances at the Site. If such agreements or contracts exist, provide a copy of the agreements or contracts. If the documents are not available, refer to Question 10 above, for the specific information required.
18. State whether an insurance policy has ever been in effect pursuant to which the Company may be indemnified for any liability that the Company may be found to have under CERCLA for releases and threatened releases of hazardous substances at the Site. If any such policies exist, please provide a copy of the policy(ies). In response to this request, provide not only those insurance policies and agreements that currently are in effect, but also those that were in effect during the entire period of the Company's occupation of or operation at the Site. Identify any policy that you cannot locate or obtain by the name of the carrier, years in effect, nature and extent of coverage, and any other information you have.
19. State whether any of the business entities identified in Question 1 above have filed for bankruptcy and if so, provide the following information:
 - a. The date of such filing;
 - b. The statutory provision under which a petition for bankruptcy was filed (Chapter 7, 11 or 13);
 - c. The court where the petition was filed;
 - d. The name, address and telephone number of the bankruptcy trustee;
 - e. The disposition of the petition and the date on which it was so disposed; and

- f. Any other information relevant to aforesaid bankruptcy.
- 20. Please supply any additional information or documents that may help EPA identify persons who may have been responsible for the release or disposal of hazardous substances, hazardous wastes and/or industrial waste material at the Site.
- 21. State the name(s), address(es), telephone number(s), title(s) and occupation(s) of the person(s) responding to this "Request for Information" or assisting in the preparation of the response, state whether such person(s) has personal knowledge of the information contained in the answers, and specify the question to which each person responded or provided assistance in responding to.
- 22. Identify all individuals (other than those identified in your response to Question 21) who may have information or documents relating to the subject of this Request for Information, and/or the generation, handling, storage, transportation or disposal of the hazardous substances, hazardous wastes or industrial waste materials that came to be located at the Site.

CERTIFICATION OF ANSWERS TO REQUEST FOR INFORMATION

State of _____

County of _____

I certify under penalty of law that I have personally examined and am familiar with the Information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete, and that all documents submitted herewith are complete and authentic unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

TITLE (print or type)

SIGNATURE

Sworn to before me this
day of _____, 2004

Notary Public